

# **EXHIBIT B**



Memorial Sloan-Kettering  
Cancer Center

**Personnel  
Policy and Procedure  
Manual**

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**Section: EMPLOYMENT**

**Subject: ANTI-HARASSMENT**

**1.0 POLICY**

1.1 The Memorial Sloan-Kettering Cancer Center is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits harassment. MSKCC expects that all work relationships among employees or between employees and persons outside the institution will be business-like and free of harassment.

1.2 Definitions of harassment, as they apply to this policy, as follows:

1.2.1 Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an

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Individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display, circulation, or pictures; and other physical, verbal or visual conduct of a sexual nature.

1.2.2 Harassment on the basis of any other protected characteristic is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, citizenship status, sexual orientation, veteran status, marital status or any other status protected by law or that of his or her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display, circulation, or electronic communication in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

- 1.3 Consequences of acts of harassment - Employees found to have engaged in acts of harassment will be subject to disciplinary action, up to and including discharge.
- 1.4 Individuals covered by this policy - These policies apply to all applicants and employees, and prohibit harassment, whether engaged in by fellow employees, by a

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supervisor or manager or by someone not directly connected to the Memorial Sloan-Kettering Cancer Center (e.g., an outside vendor, consultant, customer conducting business with the institution, patient, or visitor who use Memorial Sloan-Kettering's resources or who visits patients). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

- 1.5 Policy regarding retaliation - Memorial Sloan-Kettering Cancer Center prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or for participating in an investigation of a claim of harassment is a serious violation of this policy and, like harassment itself, will be subject to disciplinary action, up to and including discharge.
- 1.6 Reporting an incident of harassment or retaliation - Memorial Sloan-Kettering Cancer Center strongly urges the reporting of all incidents of harassment or retaliation, regardless of the offender's identity or position. Individuals who feel they are being harassed or retaliated against for reporting perceived harassment, or for participating in an investigation of a claim of harassment, should consider telling the offending party that they object to that conduct. If the individual is not comfortable confronting the offending party or if the offending party's unwelcome conduct continues, the individual must bring the offensive conduct to the attention of the employee's supervisor, any Employee Relations representative, or any other individual in



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management up to the highest level of authority at the Memorial Sloan-Kettering Cancer Center that the individual feels comfortable speaking to about such a matter so that the offensive conduct can be investigated and remedied. While no fixed reporting period has been established, Memorial Sloan-Kettering Cancer Center strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

- 1.7 **Investigation of harassment or retaliation complaints** - Any reported allegations of harassment or retaliation will be investigated promptly by the Employee Relations Department. The investigation may include individual interviews with parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.
- 1.8 Misconduct constituting harassment or retaliation will be dealt with appropriately. Responses may include actions such as training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination of employment, as Memorial Sloan-Kettering Cancer Center believes appropriate under the circumstances.
- 1.9 This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected status, from participating in



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business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the Memorial Sloan-Kettering Cancer Center prohibit disparate treatment on the basis of sex or any other protected status, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

### 2.0 PROCEDURES

- 2.1 An employee who believes he or she is being harassed or retaliated against may inform the individual who is the source of the perceived harassment or retaliation that the employee is offended by the behavior and request that it be stopped.
- 2.2 If the employee does not feel comfortable discussing the perceived harassment or retaliation directly, the employee may report the harassment to his or her supervisor, any other MSKCC management level employee, or any representative of the Employee Relations Department.
- 2.3 If the harassment or retaliation complaint is reported to someone other than a representative of the Employee Relations Department, the individual hearing the complaint must report it to the Employee Relations Department.
- 2.4 The Employee Relations Department will investigate the complaint, ensuring confidentiality to the extent possible during the investigation.
- 2.5 Based on the findings of the investigation, the Employee Relations Department will recommend appropriate management action, if any, to be taken.



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- 2.5.1 Based on discussions with management, the Employee Relations Department will finalize the agreed upon actions.
- 2.6 A representative of the Employee Relations Department and/or appropriate management, informs both the employee complaining of harassment and the individual alleged to have harassed the complainant of the results of the investigation.
- 2.7 The Employee Relations Department and appropriate management will ensure that the agreed to action is carried out.